

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested.

In the Office Action, of pending claims 1-25, claims 20-25 are allowed, claims 6-12 and 14-19 are objected to and claims 1-5 and 13 are rejected in view of cited art. As discussed in detail below, Applicant submits that claims 1-5 and 13 are allowable over the cited reference. Specifically, Applicant submits that the claims are allowable over the Abels et al. patent, since independent claim 1 requires an energy emitting device, adapted to emit energy to heat cells to a temperature which is above body temperature and below a temperature at which protein denaturation occurs in the cells, to kill the cells or impede multiplication of the cells.

Applicant appreciates the allowance of claims 20-25 and the indication of allowable subject matter in claims 6-12 and 14-19.

Rejections – 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-5 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,491,715 to Abels et al.

Applicant submits that the Abels patent does not disclose, teach or suggest heating cells to a temperature which is above body temperature *and below a temperature at which protein denaturation occurs in said cells, to kill said cells or impede multiplication of the cells*, as explicitly recited in independent claim 1.

By heating the cells in the manner recited in claim 1, capsular opacification can be substantially reduced or eliminated.

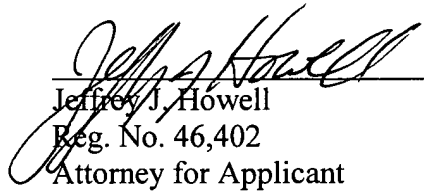
The Abels patent discloses a device for treating blood cells with a laser. The procedure consists of using a laser beam to impinge on the vessel to be treated. The light power of the beam is such that the light is absorbed predominately in the blood vessel to be scerosed and is converted into heat, so that the blood coagulates and the vessel is destroyed. See col. 6, lines 28-42. There are clearly no specific temperature limitations in the Abels patent, let alone heating cells to a temperature which is above body temperature and below a temperature at which protein denaturation occurs. The Abels method is strictly for treating blood vessels by burning them away, and therefore protein denaturation is not a concern and may even occur. Additionally, there is no disclosure or teaching the Abels patent of even being able to monitor the temperature, let alone control the temperature to avoid protein denaturation.

Furthermore, Applicant submits that since there is no reason to avoid protein denaturation when treating blood vessels as disclosed in the Abels patent, it would not have been obvious to one of ordinary skill in the art to limit the Abels method to a temperature below which protein denaturation occurs.

Since it is clear that the Abels patent does not disclose, teach or suggest all of the limitations in independent claim 1, Applicant submits that claim 1 is not anticipated or rendered obvious. Accordingly, independent claim 1 and its respective dependent claims should be allowable.

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the number indicated below.

Respectfully submitted,



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